

# **MINUTES**

## **FLORIDA CLERK OF COURT OPERATIONS CONFERENCE FRIDAY, FEBRUARY 27, 2004 CONFERENCE CALL**

The conference call of the Florida Clerk of Court Operations Conference was called to order at 10:00 a.m. by Chairman James C. Watkins who welcomed members and guests. Members and staff of the Conference present were James Watkins, DeWitt Cason, Judge Belvin Perry, Regina Parrish, Marsha Ewing, Lydia Gardner, Richard Ake, Howard Forman, Harvey Ruvlin, John Dew, Joe Boyd, and Judy Zorn. Others present were: Glenn Robertson, Michael Richardson, Scott Lindsey, Al Fraser, Chip Oxley, Mitzie McGavic, Maryanne Morse, Cindy Reddick, Jennifer Barker, Betty Strifler, Jim Smith, Tim Sanders, Barbara Scott, Ray Norman, Ken Dasher, Charlie Green, Skip Martin, Ernie Magaha, Dale Guthrie, Linda Cook, Dorothy Wilken, Karleen DeBlaker, and Kim Umana. This list of participants may not be complete because some individuals called in without providing a name and others may have listened in with other participants.

### **APPROVAL OF MINUTES FROM JANUARY 15, 2004:**

Mr. Watkins asked if there were any revisions to the Minutes. Lydia Gardner requested that the Minutes be amended to reflect the Conference's discussion as to whether the figures relating to deficit counties in the handout provided were absolutely accurate. After discussion, a motion was made to approve the Minutes as presented with the addition of the following suggested language. "The CCOC discussed some of the perceived problems with the presented data and questioned how there could be assurance that future information was valid. Staff said they would meet with FACC staff to work on the issue."

### **BUDGET INSTRUCTIONS AND EXHIBITS:**

John Dew presented an overview of the materials each Conference Member was provided for review and discussion at this phone conference. He then gave a synopsis of what has gone on with the drafting of a budget form and exhibits since the January 15, 2004 CCOC meeting.

Mr. Dew noted that, at that meeting the Conference recommended that CCOC work with FACC staff, workgroups, and leadership to identify any concerns and suggestions FACC may have regarding the forms. CCOC staff met with FACC workgroups in Clearwater on February 12 – 13, 2004. The first day was spent working on the Budget Exhibits and the second day on the discussion of performance measures. John stated these meetings were very helpful. The recommendations from this workgroup meeting were then sent to FACC leadership. However, on Monday of this week, the FACC leadership submitted a

letter to Chairman Watkins listing a couple of concerns. That letter should be included in your packet and will be discussed later in this meeting.

The Conference further recommended at the January 15, 2004 meeting that CCOC staff meet with Legislative staff prior to the conference call today. John Dew, Glenn Robertson, and Michael Richardson met with House and Senate Appropriations staff on February 25, 2004 and went over in detail the budget form and instructions. John noted that it appeared Legislative staff thought the CCOC was moving in the right direction and doing a good job of trying to get all of the information. Their only concern mentioned in the meeting was a question as to how the CCOC would analyze the budgets when submitted by Clerks. This is something that will need to be discussed, probably at the next CCOC meeting. They gave CCOC some recommendations which will be incorporated as we go along.

After Mr. Dew's overview, Glenn Robertson briefly explained the purpose of each of the ten exhibits contained in the budget document. Mr. Watkins suggested that we do not need to go over the forms line by line as the CCOC members are already comfortable with most of them. Discussion shall be reserved for those things, in particular, with which our clerks are not comfortable or about which they have a question. He also stated that it's important for us to recognize that this is a work product, not only of CCOC, Glenn Robertson, and John Dew, but also of Doug Isabelle and the FACC workgroups. They have been working on this since the passage of House Bill 113A, and all are to be congratulated for their countless hours of hard work and diligence in producing such a great packet of forms and instructions.

Mr. Watkins suggested that because of the letter he received from Ms. Strifler, Chairperson of the FACC Article V Workgroup, it might be prudent to reserve discussion on Exhibits A and H until we have discussed the others, as these will most likely elicit more comments and questions. Mr. Ake suggested that we probably don't have any problems with the other exhibits and that we should just quickly go through each exhibit and consider them approved unless we note a problem. It was agreed by the CCOC that they would use this process.

The members first went over exhibits B, C, D, E, F, G, I, and J. They were all approved with only comments associated with exhibits C and I. Mr. Ake asked in Exhibit C if the codes presented are the final product or will there be further changes in the codes as the process continues? Glenn Robertson said he had no awareness of any further changes at this point in time.

Ms. Gardner expressed a concern in Exhibit I about understanding what some of the mandates are – not only the state mandated issues, but also the locally mandated issues. For example, adding new judges and commensurate staff and other related expenses and staff desiring to receive raises commensurate with those of Orange County government employee raises. Jim Watkins said the form does not preclude any individual county from putting down the title of a mandate if that clerk perceives there is one. Glenn Robertson concurred, "Exhibit I can be used to show any area of your budget that, in

essence, you would like to highlight because the numbers are already in the expenditures.” With no further comment, the exhibit as presented was considered approved. The CCOC approved the exhibit and recommended that, through the clerk training process, clerks be provided clear instructions as to how to best complete this form.

Exhibit H – Performance Measures. James Watkins said most questions revolving around Exhibit H can be answered with, “It’s a work-in-progress.” Glenn Robertson stated that in earlier discussions with Legislative staff, the key outcome measure they have discussed for some time is the percentage of cases filed within a certain amount of time in the criminal and civil court arenas. Legislative staff was told “we just aren’t ready for that in this budget cycle because we don’t have consistent definitions yet.” We don’t have the collection of that information to the point where we feel at all comfortable that all the clerks can proceed into that arena. When we suggested we delay, the Legislative staff didn’t say anything negative to that. With no further comment the exhibit as presented was considered approved.

Exhibit A – Referring to Betty Strifler’s letter, Mr. Watkins read that the budget process workgroup recommendation is that “Exhibit A should be included in the packet and filed with the CCOC. However, the joint decision of the FACC Committees is that Exhibit A is to be considered a work document only and retained by the Clerk of the Court and not included as a requirement of the budget filing document. Members of the FACC Committee suggested that any questions pertaining to overhead costs allocated calculations can be directed to the local clerk for clarification.” Mr. Watkins stated that his concern is that we will be responsible for certifying each of the budgets as submitted to CCOC. And one of the things we are going to be asked, implicit in the fact that they’re asking CCOC to certify, is that the court-related expenditures do not have within them any expenditures for non-court related functions and thus, indirect costs. He noted we need to receive this information so that we can make the judgment that there is nothing in there that isn’t non-court related. However, this information should be used solely for the purpose of certifying the budget and it does not need to go anywhere other than to the CCOC for the CCOC’s evaluation.

DeWitt Cason stated that his concern was that once you fill in the report and send it to the CCOC, it becomes a public document whether or not your intent is to use it only at CCOC. Mr. Watkins responded that it becomes a public document when you fill it out in your office. Richard Ake asked if “This is to be an allocation of FTE’s, not dollars and revenues and expenditures?” Mr. Watkins answered that it’s purely FTE’s.

Mr. Forman asked if expenditures data in Exhibit A would include dollars for technology, capital improvement, and office space. Michael Richardson answered that the FTE’s are reflected on Exhibit A and the dollars for information technology are reported on C1-4. He also stated that those numbers that are court-related are subtracted out on later Exhibits. So it’s not considered an Article V responsibility of the Clerk.

Lydia Gardner requested that Glenn Robertson and John Dew prepare for the Conference and for all the clerks specific instructions that have to do with nothing but the technology issue. Mr. Watkins responded that he believed this could be done but we needed to discuss it later.

Mr. Watkins then requested a motion that “we go ahead and have Exhibit A considered a work document, for CCOC’s purposes, sent out, and brought back to CCOC for our evaluation in that certification.” Howard Forman made the motion, and DeWitt Cason seconded it.

Prior to the vote Ms. Strifler, requested to make a comment. She stated that she didn’t believe that the Clerks had a clear understanding of CCOC’s needs for FTE’s for certification. She said she’ll “take that message back to the Steering Committee and believes that the compromise probably will address their concern if the document is held by the CCOC and does not go through the Legislative staff.” James Watkins expressed to her that the Legislative staff already has Exhibit A. Furthermore, the budget forms and exhibits were put together in conjunction with FACC and the workgroups. He stated that he did not want to require anything of the clerks that is not needed.

John Dew requested clarification of the motion before the vote. James Watkins stated, “It (Exhibit A) is a work document. It goes out in the packet, and it comes back to us for us to make a decision with respect to certification. And it will rest and reside with CCOC.”

Having no further discussion, the question was called. The motion passed unanimously.

#### **OPERATIONS COMMITTEE REPORT ON THE BUDGET IMPLEMENTATION TRAINING STRATEGY:**

Richard Ake stated that the Budget Implementation Training Strategy which had been worked on jointly by CCOC staff, FACC staff, and FACC leadership, has also been reviewed by the Operations Committee and all believe it to be a good document. He made a motion to approve the training strategy. Lydia Gardner seconded the motion. The motion carried unanimously.

#### **OTHER BUSINESS:**

James Watkins reported that he received a letter from the Auditor General’s office earlier in the week that prescribed the form and manner for the end of year audit of the CCOC. Harvey Ruvin asked where we stand on the RFP’s for an accounting firm to do an end of year audit of the CCOC. Mr. Dew replied that he is revising the RFP that Mr. Ruvin provided the Conference at the September meeting, so it can be used to recruit an accounting firm in Leon County. A question arose as to why contact only Leon County firms and not firms statewide. The issue was settled when it was understood that this was for a CPA to audit only CCOC, not the clerk’s budgets.

Richard Ake raised a question regarding two different approaches as it relates to mandatory costs and assessments by judges. First, the concern with if a judge does not assess them and thus the clerk cannot collect them and secondly, if the judge does not waive them then the clerk must collect them. As a clerk we probably like the second approach better because it means more revenue. It could mean a big revenue difference in how this process is defined. James Watkins said that this was an issue best handled by FACC and that they have done a great job with these types of questions / issues in the past. He suggested Richard Ake take this to the FACC Operating Committee.

James Watkins reported to the Conference that he and Barbara Scott, FACC President, have been discussing for some time the idea of coordinating between the two organizations and have therefore created the Coordinating Council. The Council consists of three members from CCOC – James Watkins, Marsha Ewing, and Richard Ake. FACC will be represented primarily by the elected leadership and possibly one or two others because of the understanding they can bring to the group. The Coordinating Council will meet for the first time on March 4, 2004 in Citrus County to discuss any concerns that we may have had, where we are, and where we see us going. They will meet from time to time thereafter, possibly involving the staffs of both organizations.

Barbara Scott said that in response to Mr. Ake's question she will be glad to ask the FACC Operating Committee to look into the issue if he will submit it to her in writing. She also stated that she is looking forward to the meeting of the Coordinating Council on March 4, 2004.

#### **NEXT MEETINGS:**

The next CCOC meeting is scheduled for March 15, 2004 from 10:00 a.m. until 3:00 p.m. in Orlando at the Orange County Courthouse, 23<sup>rd</sup> floor, Room 2310. Mr. Watkins asked that the members of the Conference be sure to allow enough time to go through Orange County Courthouse security. The primary issue on the March 15<sup>th</sup> agenda is a discussion on the process of reviewing the budgets once they are submitted.

Another CCOC meeting is scheduled for April 13, 2004 10:00 a.m. until 3:00 p.m. in Tampa at the Planning Commission Board Room on the 18<sup>th</sup> floor of the City Center.

There being no further business, the meeting was adjourned at 10:31 a.m.